IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.3870 OF 2005
IN
APPEAL (LODGING) NO.1026 OF 2005
IN
NOTICE OF MOTION NO.1295 OF 2005
IN
SUMMARY SUIT NO.1743 OF 1983

Paresh K. Thakkar — Appellant
vs.
Jitendra P. Thakkar & anr. — Respondents

Mr.P.S.Shah for the appellant.

None for the respondents.

**CORAM : R.M. LODHA &**
**ANOOP V. MOHTA, JJ**.

**DATED : 6th February 2006**

**P.C.**

Heard the learned counsel for the appellant. Nobody appears for the respondents to oppose the notice of motion despite service.

2. For the reasons stated in paragraph 2 of the affidavit in support of notice of motion, we are satisfied that the appellant was prevented by sufficient cause in filing the appeal belatedly.

3. The delay of 37 days in filing the appeal is condoned.

4. Office to process the appeal and post it for admission as soon as numbered.

5. Notice of motion stands disposed of.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)